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APPENDIX

IN THE

Supreme Court of the United States

October Term, 1968

Number 25

J. C. FAIRLY, ET AL.

Appellants

versus

JOE T. PATTERSON, ET AL.,

Appellees

LEVI MARSHAW, III, ET AL.,

Appellants

versus

JOE T. PATTERSON, ET AL.,

Appellees

Lawrence Aschenbrenner
Martha M. Wootl
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Appellants

No. 1201-Civil Docket Entries

7-14-67 COMPLAINT, original and twelve (12) copies filed.

8-10-67 Defendants Answer to Complaint, with Certificate of Service filed, in Quadruplicate.

9-15-67 Motion for Substitution of Parties and dropping and adding Parties, for Dismissal of certain claims for relief, and for Default Judgment - filed.

9-28-67 Order amending order heretofore entered in this cause on September 25, 1967 adding Alma D. Maddox as a party-defendant and dismissing the complaint as to defendant Paul Keller; adding Majorie Baroni as a party-plaintiff and adding Mamie L. Mazique as a party-plaintiff and dismissing Plaintiffs' second claim without prejudice, filed and entered OB 1967 pages 215 and 216.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
VICKSBURG DIVISION

CIVIL ACTION
NO. 1201

LEVI MARSAW, III, MARJORIE BARONI, on behalf of themselves and all other persons similarly situated,

Plaintiffs,

vs.

JOE T. PATTERSON, Attorney General of the State of Mississippi; ARLIE C. WARREN, BOYD SOJOURNER, JAMES H. CARTER, J. W. BROWN, SR. and F. L. CALLON, as members of the Board of Supervisors of Adams County, ROBERT V. WOLCOTT, JAMES T. O'NEILL and ALMA D. MADDOX as County Election Commissioners for Adams County,

Defendants

COMPLAINT

1. This action arises under the Voting Rights Act of 1965 (42 U.S.C. § 1973), the Fourteenth and Fifteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1971. It seeks a declaratory judgment that § 2870 of the Mississippi Code, as amended, is violative of said Voting Rights Act, Fourteenth and Fifteenth Amendments to the Constitution of the United States, and 42 U.S.C. § 1971, and preliminary and permanent injunctions against the application and enforcement of said

§ 2870 by the Board of Supervisors of Adams County, Mississippi, and against the election of members of the Adams County Board of Supervisors pursuant to or in accordance with the provisions of § 2870 or any order of the Adams County Board of Supervisors providing for the election of Supervisors-at-large.

2. Jurisdiction is conferred on this Court by Title 28 U.S.C. § § 1343(3) and (4), 2201 and 2202, and by U.S.C. § § 1971(d) and 1973(j) (f). A district court of three judges is required to be convened by Title 28 U.S.C. 2281 and Title 42 U.S.C. § 1973c.

3. Plaintiffs are all adult Negro citizens of Mississippi and of the United States, and are citizens, residents and qualifield electors of Adams County, Mississippi.

4. Plaintiffs bring this action on behalf of themselves and all other persons similarly situated as qualified electors of Adams County and as potential candidates for Board of Supervisors of Adams County, pursuant to Rule 23 of the Federal Rules of Civil Procedure. As to the classes: (1) they are so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the classes; (3) the claims of the plaintiffs are typical of the claims of the classes; (4) plaintiffs will fairly and adequately protect the interests of the classes; and (5) defendants have acted and will act on grounds generally applicable to the classes, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the classes as a whole.

5. Defendant Joe T. Patterson is Attorney General of the State of Mississippi.

6. (a) Defendants Warren, Sojourner, Carter, Brown, and Callon are members of the Board of Supervisors of Adams County and, as such, constitute the primary governing body of Adams County, being responsible for county roads and bridges, some taxation, health services, welfare, resource development, and for spending the county's money, pursuant to § 2870 *et seq.* of the Mississippi Code.

(b) Defendants Wolcott, O'Neill and Keller are the County Election Commissioners for Adams County and, as such, supervise and administer all general elections in Adams County pursuant to Sections 3204 *et seq.* of the Mississippi Code.

FIRST CLAIM FOR RELIEF

7. Each county in Mississippi, including Adams County, is composed of five (5) districts, and each county is governed in certain respects by a Board of Supervisors composed of five (5) members. Prior to and on November 1, 1964, and up until the date referred to in paragraph eight (8) hereof, each of the members of the Board of Supervisors in each of the counties in Mississippi, including Adams County, were elected only by the qualified electors of one particular district, pursuant to Section 2870 of the Mississippi Code.

8. Effective May 27, 1966, the Legislature of Mississippi, with the approval of Governor Paul B. Johnson, amended the aforesaid Section 2870 to provide that members of the county boards of supervisors could, at

each county's option, be elected at large, i.e., all the qualified electors of the county would be eligible to vote for each member of the board of supervisors, rather than by the means in force and effect on November 1, 1964, as described in paragraph seven (7) hereof. Specifically, such amendment was as follows:*

§ 2870. Districts and boundaries.

Each county shall be divided into five (5) districts, with due regard to equality of population and convenience of situation for the election of members of the boards of supervisors,but the districts as now existing shall continue until change. The qualified electors of each district shall elect, at the next general election, and every four (4) years thereafter, in their district, one member of the board of supervisors; and the board, by unanimous vote of all members elected or when so ordered by a vote of the majority of the qualified electors of the districts affected voting in an election as hereinafter provided, may at any time, except as hereinafter provided, change or alter the district, the boundaries to be entered at large in the minutes of the proceedings of the board.

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* Material crossed out was deleted, and material underlined was added.

The board, upon the petition of twenty-five per cent (25%) of the qualified electors of the county, asking that the districts of the county be changed or altered, and setting out in such petition the changes, or alterations desired, shall call a special election for a date which shall be not less than thirty (30), nor more than sixty (60) days from the date of the presentation of the petition to the assembled board. A majority of the qualified electors of the county shall determine the issue of such election.

Provided, however, that in any county in the state having a supervisors district containing more than fifty per cent (50%) of the population of the county according to the last federal census and/or more than fifty per cent (50%) of the assessed valuation of the county, the issue of the election heretofore provided for shall be determined by a majority of those participating in said election.

The board of supervisors of any county may adopt an order providing that all the qualified electors of the county shall be eligible to vote for each member of the board of supervisors but each candidate shall be a resident of the district which he proposes to represent; said order to be adopted and published in a newspaper having general circulation in the county at least twelve (12) months prior to the next general election wherein said supervisors are elected.

If twenty per cent (20%) of the qualified

electors of the county shall present the board of supervisors with a petition objecting to such alternate method within sixty (60) days after the adoption and final publication of any such alternative method, then the board of supervisors shall call an election after publishing notice thereof in a newspaper published in the county once a week for at least three (3) weeks prior to such election and the question on the ballot shall be whether the entire electorate of the county shall be required to vote for the members of the board of supervisors at large, or whether the qualified electors in the said districts shall vote for the candidate in that district. If the majority of those voting vote that all the qualified electors shall be eligible to vote for candidates in each district then thereafter all elections for members of boards of supervisors shall be so held. If not, members of the boards of supervisors shall continue to be elected by the electorate of their respective districts and the board of supervisors shall not be permitted to adopt this alternative method of electing members of the boards of supervisors again until two (2) years have transpired.

This act shall not be construed to effect any supervisor now holding office until the expiration of his present term of office."

9. On October 19, 1966, defendants Warren, Sojourner, Carter, Brown and Callon, acting in their official capacities as members of the Board of Supervisors of Adams County, adopted an order, pursuant to the authority granted to them by Section 2870 of the Mississippi Code, as amended, providing that members of the Board of Supervisors in Adams County be elected at large in all future elections.

10. The Voting Rights Act of 1965 (42 U.S.C.§ 1973) is applicable to the State of Mississippi. That Act provides in Section 5 that whenever a State, or political subdivision thereof:

> "shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964"

the State or subdivision cannot enforce such new qualification prerequisite, standard, practice or procedure unless and until it either:

(a) institutes an action in the United States District Court for the District of Columbia, and said court enters a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color; or

(b) submits such qualification, prerequisite, standard, practice, or procedure to the Attorney General of the United States and the Attorney General does not interpose an objection within 60 days after such submission.

11. The amendment to Section 2870 as described in paragraph eight (8) hereof is such a change in qualification, prerequisite, standard, practice, or procedure as is referred to in Section 5 of the Voting Rights Act of 1965.

12. Neither the State of Mississippi, nor any of its officials, nor Adams County, Mississippi, nor any of its officials has:

(a) instituted any action in the United States District Court for the District of Columbia for a declaratory judgment that Section 2870 of the Mississippi Code, as amended, or the action of the Adams County Board of Supervisors in applying such section as amended, does not have the purpose of and will not have the effect of, denying or abridging the right to vote on account of race or color, nor

(b) submitted said amended section of the Code or said action of the Adams County Board of Supervisors to the Attorney General of the United States for his approval. Inasmuch as the enactment of the amendment to Section 2870 of the Mississippi Code by the State of Mississippi and the action taken by the Adams County Board of Supervisors pursuant to that amendment are both in violation of the requirements of § 5 of the Voting Rights Act of 1965, said enactment and action are void

and of no legal force or effect. Plaintiffs have no adequate remedy at law and unless the relief requested herein is granted, plaintiffs will suffer irreparable harm in that their rights and the rights of the classes they represent to vote and run for public office will be denied and abridged in violation of Title 42 U.S.C. § 1973.

SECOND CLAIM FOR RELIEF

13. Plaintiffs reaver each and every averment contained in paragraphs 7 through 9 hereof.

14. The amendments to §2870 of the Mississippi Code, as described in paragraph 8 hereof and the action taken pursuant thereto by the Board of Supervisors of Adams County, as aforesaid, has the purpose and effect of:

(a) denying or abridging, on account of race or color, the votes of the individual plaintiffs and the classes they represent;

(b) preventing the election of Negro candidates to county boards of supervisors by allowing the members of the county boards of supervisors to be elected at large in counties, such as Adams County, in which there is a county-wide white voting majority, but in which there is a Negro majority in one or more individual supervisor's district; and

(c) deterring potential Negro candidates from running for the office of County Supervisor in counties,

such as Adams County, which have a county-wide white voting majority, but in which there is a Negro voting majority in one or more individual supervisor's district, and which counties have opted for an at-large election under § 2870, as amended, thereby denying or abridging, on account of race or color, the right of such persons to participate in Government as elected office-holders.

15. For the reasons stated in paragraph 14 above, § 2870 of the Mississippi Code, as amended, and the action taken pursuant thereto by the Board of Supervisors of Adams County, as aforesaid, violate the Fourteenth and Fifteenth Amendments to the Constitution of the United States and 42 U.S.C. §§ 1971 and 1973.

WHEREFORE, plaintiffs pray that:

1. Pursuant to the provisions of 28 U.S.C.§§ 2281 and 2283 and 42 U.S.C. § 1973c, a district court of three judges be convened.

2. This Court declare that § 2870 of the Mississippi Code, as amended, and also as applied in Adams County, is in violation of the Voting Rights Act of 1965 (Title 42 U.S.C. § 1973), the Fourteenth and Fifteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1971, and therefore void.

3. This Court issue preliminary and permanent injunctions enjoining defendants, their agents, employees, successors and all persons in active concert and

participation with them from enforcing, implementing or otherwise giving effect to § 2870 of the Mississippi Code, as amended, in any way whatsoever, including, but not limited to the holding of the election at large of members of the Board of Supervisors of Adams County.

4. This Court enjoin the election of members of the Board of Supervisors of Adams County unless and until candidates for that office may be and are elected by districts pursuant to § 2870 prior to its amendment as aforesaid, or until Section 5 of the Voting Rights Act of 1965 is complied with by defendants.

5. This Court order the defendants, their agents, employees, successors and all persons in active concert and participation with them to hold election for the Adams County Board of Supervisors on November 7, 1967, by districts and not at large.

6. This Court retain jurisdiction of this cause.

7. This Court grant plaintiffs such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of this action.

Dated: July 11, 1967.

Respectfully submitted,

s/ L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
VICKSBURG DIVISION
CIVIL ACTION
NO. 1201

LEVI MARSAW, III, MARJORIE BARONI, ON BEHALF OF THEMSELVES AND ALL OTHER PERSONS SIMILARLY SITUATED,

PLAINTIFFS

V.

JOE T. PATTERSON, ATTORNEY GENERAL OF THE STATE OF MISSISSIPP ; ARLIE C. WARREN, BOYD SOJOURNER, JAMES H. CARTER, J. W. BROWN, and F. L. CALLON, AS MEMBERS OF THE BOARD OF SUPERVISORS OF ADAMS COUNTY, ROBERT V. WOLCOTT, JAMES T. O'NEILL AND PAUL KELLER, AS COUNTY ELECTION COMMISSIONERS FOR ADAMS COUNTY,

DEFENDANTS

(Filed: Aug. 8, 1967)

ANSWER

FIRST DEFENSE

The Complaint fails to state a claim against the Defendants upon which relief can be granted.

SECOND DEFENSE

This Court lacks jurisdiction of the subject matter and parties to this cause of action.

THIRD DEFENSE

Answer to First Claim for Relief.

1. Defendants deny the allegations contained in Paragraph 2 of the Complaint.

2. Defendants deny the allegations contained in Paragraph 2 of the Complaint.

3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint except the allegation that Plaintiffs are all members of the Negro race, which allegation Defendants deny and aver that Plaintiff Majorie Baroni is a member of the White race.

4. Defendants deny the allegations contained in Paragraph 4 of the Complaint and aver that this is not a class action, but only an action brought on behalf of the two named Plaintiffs.

5. Defendants admit the allegations contained in Paragraph 5 of the Complaint.

6. Defendants admit the allegations contained in Paragraph 6(a) and (b) of the Complaint.

7. Defendants admit the allegations contained in Paragraph 7 of the Complaint.

8. Defendants deny the allegations contained in Paragraph 8 of the Complaint, but aver that the Legislature of Mississippi, with the approval of Governor Paul B. Johnson, amended Section 2870 of the Mississippi Code and state that said amendment is the best source as to its contents.

9. Defendants admit the allegation contained in Paragraph 9 of the Complaint.

10. Defendants deny the allegations contained in Paragraph 10 and subparagraphs (a) and (b) thereof and aver that the Voting Rights Act of 1965 is the best source of its contents.

11. Defendants deny the allegation contained in Paragraph 11 of the Complaint and aver that the action taken by the Members of the Board of Supervisors of Adams County, Mississippi, complained of in the Complaint is not a change in qualification, prerequisite, standard, practice, or procedure as is referred to in Section 5 of the Voting Rights Act of 1965.

12. Defendants deny the allegations contained in Paragraph 12 and subparagraphs (a) and (b) thereof, but admit that the action taken by the said Board of Supervisors under and by virtue of Section 2870 as amended has never been submitted to the United States District Court for the District of Columbia, nor submitted to the Attorney General of the United States for his approval, but affirmatively state that said Board was under no duty by Section 5 of the Voting Rights Act of 1965 or any other law to make such submissions.

Answer to Second Claim

13. Defendants in answer to Paragraph 13 of the Complaint adopt and reaver their answers to Paragraphs 7 through 9 of the Complaint.

14. Defendants deny the allegations contained in Paragraph 14 and subparagraphs (a), (b) and (c) thereof of the Complaint.

15. Defendants deny the allegation contained in Paragraph 15 of the Complaint.

WHEREFORE, Defendants deny that Plaintiffs or any of them are entitled to the relief prayed for or to any other relief in this cause of action; therefore pray that this Court dismiss the Complaint.

B. C. CALLON
ATTORNEY AT LAW
P. O. BOX 1315
NATCHEZ, MISSISSIPPI

JOE T. PATTERSON,
ATTORNEY GENERAL
OF THE STATE OF MISSISSIPPI

WILLIAM A. ALLAIN
ASSISTANT ATTORNEY GENERAL
OF THE STATE OF MISSISSIPPI

BY: S/William A.Allain
WILLIAM A. ALLAIN

CERTIFICATE OF SERVICE

I, WILLIAM A. ALLAIN, Assistant Attorney General of the State of Mississippi, do hereby certify that I have this day mailed by United States Mail, postage prepaid, one true and correct copy of the foregoing Answer to Honorable L. Lackey Rowe, Jr., 233 North Farish Street, Jackson, Mississippi.

THIS 7th day of August, 1967.

S/ William A. Allain
WILLIAM A. ALLAIN

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

VERNON TOM GRIFFIN, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 4148J

JOE T. PATTERSON, et al.
Defendants.

SETH BALLARD, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 1200 W

JOE T. PATTERSON, et al.,
Defendants.

J.C. FAIRLEY, et al.
Plaintiff,

vs.

CIVIL ACTION
No. 2205 H

JOE T. PATTERSON, et al.
Defendants.

LEVI MARSAW, III, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 1201 W

JOE T. PATTERSON, et al.
Defendants.

CHARLES E. BUNTON, et al.
Plaintiffs,

vs. CIVIL ACTION
No.1204 W

JOE T. PATTERSON, et al.
Defendants.

(Filed: Sept. 15, 1967)

MOTION FOR SUBSTITUTION OF PARTIES AND DROPPING AND ADDING PARTIES, FOR DISMISSAL OF CERTAIN CLAIMS FOR RELIEF, AND FOR DEFAULT JUDGMENT

Plaintiffs in each of the above styled actions, by their attorneys, respectfully move this Court:

1. In Civil Action No. 4148 J:

(a) To substitute Ed William Moses as a party defendant in lieu of defendant Mrs. Mabel D. Henrich, on the ground that Mrs. Mabel D. Henrich is no longer a Holmes County Election Commissioner and Ed William Moses has been appointed as Election Commissioner in her place.

(b) To dismiss plaintiffs' second for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

(c) For a default judgment against Joe T.

Patterson, Attorney General of the State of Mississippi, on the ground that he has neither appeared nor answered within the time set for doing so by Rule 12(a) of the Federal Rules of Civil Procedure.

2. In Civil Action No. 1200 W:

(a) To substitute Robert Lee Williams as a party defendant in lieu of defendant Iler K. Ellis, on the ground that Iler K. Ellis is no longer a member of the Jefferson County Board of Education and Robert Lee Williams has assumed his place.

(b) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

3. In Civil Action No. 2205 H:

(a) To substitute Mrs. Fred Blackwell as a party defendant in lieu of defendant Mrs. Mary E. Pon, on the ground that Mrs. Mary E. Pon is no longer a Forrest County Election Commissioner and Mrs. Fred Blackwell has assumed her place.

(b) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

4. In Civil Action No. 1201 W:

(a) To substitute Alma D. Maddox as a party defendant in lieu of defendant Paul Keller, on the ground that Paul Keller is deceased and his place as an Adams County Election Commissioner has been assumed by Alma D. Maddox.

(b) To drop the plaintiff Majorie Baroni and add in her place as a named plaintiff, Mami L. Mazique, on the ground that Majorie Baroni is a member of the Caucasian race and Mamie L. Mazique is a member of the Negro race and desires to join in this suit.

(c) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do no wish to pursue said claim for relief.

5. In Civil Action No. 1204 W:

(a) To substitute Ethan Porter as a party defendant in lieu of defendant William Smith, on the ground that William Smith is no longer a member of the Board of Education of Claiborne County, and Ethan Porter has assumed his place.

(b) To substitute Orin R. Segrest, Jr. as a party defendant in lieu of defendant Robert Vaughn, on the ground that Robert Vaughn is no longer an Election Commissioner for Claiborne County and Orin R. Segrest, Jr., has assumed his place.

(c) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to

pursue said claim for relief.

Dated: September 14, 1967

Respectfully submitted,

S/ L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Plaintiffs.

To:

Joe T. Patterson, Esq.
Will S. Wells, Esq.
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R. A. Gray, Jr., Esq.
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201-05 Carter Building
P. O. Box 1288
Hattiesburg, Mississippi

J. T. Drake, Esq.
P. O. Box 366
Port Gibson, Mississippi

NOTICE OF MOTION

PLEASE TAKE NOTICE that the foregoing Motion for Substitution of Parties and Dropping and Adding Parties, for Dismissal of Certain Claims for Relief, and for Default Judgment is noticed for hearing on September 25, 1967, at 9:00 A.M., or as soon thereafter as counsel can be heard, before the Honorable Dan M. Russell, Jr., United States District Judge, in the United States Courthouse in Jackson, Mississippi.

Dated: September 14, 1967.

Respectfully submitted,

S/L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Substitution of Parties and Dropping and Adding Parties, for Dismissal of Certain Claims for Relief, and For Default Judgment and a copy of the foregoing Notice of Motion have been mailed this date, postage prepaid, to Joe T. Patterson, Esq., Will S. Wells, Esq., William A. Allain, Esq., Office of the Attorney General, New Capitol Building, Jackson Mississippi; Corban & Corban, Robert L. Corban, Esq., Fayette, Mississippi; B. C. Callon, Esq., P. O. Box 1315, Natchez, Mississippi; Calvin R. King, Esq., P. O. Drawer 392, Durant, Mississippi; R. A. Gray, Jr., Esq., Gray & Montague, 201-05 Carter Building, P. O. Box 1288, Hattiesburg, Mississippi and J. T. Drake, Esq., P. O. Box 366, Port Gibson, Mississippi.

Dated: September 14, 1967

S/L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

VERNON TOM GRIFFIN, et al.
Plaintiffs,

vs. CIVIL ACTION
No. 4148J

JOE T. PATTERSON, et al.
Defendants.

SETH BALLARD, et al.
Plaintiffs,

vs. CIVIL ACTION
No. 1200 W

JOE T. PATTERSON, et al.,
Defendants.

J.C. FAIRLEY, et al.
Plaintiff,

vs. CIVIL ACTION
No. 2205 H

JOE T. PATTERSON, et al.
Defendants.

LEVI MARSAW, III, et al.
Plaintiffs,

vs. CIVIL ACTION
No. 1201 W

JOE T. PATTERSON, et al.
Defendants.

CHARLES E. BUNTON, et al.
Plaintiffs,

vs. CIVIL ACTION
No. 1204 W

JOE T. PATTERSON, et al.
Defendants.

(Filed: Sept. 28, 1967)

ORDER

It appearing that the Order entered on September 25, 1967, in Civil Action Number 2205H and 1201W should be clarified to make plain the intention of the Court,

IT IS ORDERED, that the same be and they are hereby amended to read as follows:

In Civil Action No. 2205H, Mrs. Fred Blackwell is, hereby, added as a party-defendant; The Complaint is dismissed as to the defendant Mrs. Mary E. Pon; That Plaintiffs' second claim for relief be, and the same is, hereby dismissed without prejudice.

In Civil Action No. 1201W, Alma D. Maddox is, hereby, added as a party-defendant; The Complaint is

dismissed as to the Defendant Paul Keller; Plaintiff Marjorie Baroni is, hereby, dropped as a party-plaintiff and Mamie L. Mazique is added as a party-plaintiff; Plaintiffs' second claim is, hereby, dismissed without prejudice.

ORDERED, this the 28th day of September, 1967.

s/ Dan M. Russell, JR.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI WESTERN DIVISION

LEVI MARSAW, III, ET AL PLAINFIFFS

VS. CIVIL ACTION NO. 1201 W

JOE T. PATTERSON, ET AL DEFENDANTS

(Filed Oct. 8, 1967)

ORDER

This cause came on for hearing on the Complaint, the Answer and argument of counsel, it being stipulated in open court that this hearing would be considered as a final hearing on the merits, and all parties having announced that no factual issues are involved and no testimony or evidence was to be offered, the sole question for determination being whether or not Section 2870 of the Mississippi Code of 1942, as amended by the legislature at the regular session of 1966, comes within the purview of or is covered by Section 5 of the Voting Rights Act of 1965, being now Section 1973(c) of Title 42, U.S.C.

It is the opinion of the Court that said Section 2870, as amended by the legislature of Mississippi at its regular session of 1966, does not come within the purview of and is not covered by Title 42, Section 1973(c) U.S.C., and that plaintiffs are entitled to no relief in this action.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the injunction prayed for in this action be, and the

same is, hereby, denied and the Complaint is dismissed at the cost of plaintiffs.

ORDERED AND ADJUDGED, this the 4th day of October, 1967.

s/ Dan M. Russell, Jr.
UNITED STATES DISTRICT JUDGE

Acting For and on Behalf of The Court

A TRUE COPY, I HEREBY CERTIFY.
ROBERT C. THOMAS, CLERK
By: S/ Ruby L. Short
Deputy Clerk
Dated: 10/8/67

No. 2205-Civil Docket Entries

7-18-67 Complaint with copies, filed.

8-17-67 Joint answer of defendants, as members of the Board of Supervisors, Forrest County, Mississippi., with certificate of service, filed.

8-17-67 Separate answer of Defendant Joe T. Patterson with certificate of service, filed.

9-15-67 Motion for substitution of parties and dropping and adding parties, for dismissal of certain claims for relief, and for default judgment, filed.

9-27-67 Joiner of defendant members of Board of Supervisors and County Election Commissioners in Motion of Defendant Attorney General of the State of Mississippi for Summary Judgment with Certificate of Mailing, filed.

9-28-67 Order that Order entered on 9-25-67 be amended to read: Mrs. Fred Blackwell added as party-defendant, complaint dismissed as to Mrs. Mary E. Pon, plaintiffs' second claim dismissed without prejudice, filed. O. B. 1967, Page 348 - 349.

10-10-67 Order that the injunction prayed for is denied and the complaint is dismissed at the costs of the plaintiffs, order signed on 10-4-67 by Judge Russell, Acting for and on behalf of the Court, filed. O. B. 1967, Page 356-357.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

J. C. FAIRLEY, ALVIN WILLIAMS, JAMES FLUKER, REV. WALTER L. RUSSELL, JAMES BONNE, and STEPHEN LEE GRADY, on behalf of themselves and all other persons similarly situated,

Plaintiffs,

vs

CIVIL ACTION
No. 2205

JOE T. PATTERSON, Attorney General of the State of Mississippi; M. V. SIGLER, ALBERT S. WOODS, JR., SELBY C. BOWLING, J. A. P. CARTER, JR. and HERBERT H. LEE, as members of the Board of Supervisors of Forrest County; MRS. D. O. SEGREST, FRED BLACKWELL, and G. C. SIMMONS, as County Election Commissioners for Forrest County,

Defendants.

(Filed Jul. 18, 1967)

COMPLAINT

1. This action arises under the Voting Rights Act of 1965 (42 U.S.C. § 1973), the Fourteenth and Fifteenth Amendments to The Constitution of the United States. It seeks a declaratory judgment that § 2870 of the Mississippi Code, as amended, is violative of said Voting Rights Act, Fourteenth And Fifteenth Amendments and preliminary and permanent injunctions against the application and enforcement of said § 2870 by the Board of Supervisors of Forrest County, Mississippi, and against the election of members of the Forrest County Board of Supervisors pursuant to or in accordance with the

provisions of § 2870 or any order of the Forrest County Board of Supervisors providing for the, election of Supervisors-at-large.

2. Jurisdiction is conferred on this Court by Title 28 U.S.C. §§ 1343(3) and (4), 2201 and 2202, and by U.S.C. §§ 1971(d) and 1973(j) (f). A district court of three judges is required to be convened by Title 28 U.S.C. § 2281 and Title 42 U.S.C. § 1973c.

3. Plaintiffs are all adult Negro citizens of Mississippi and of the United States, and are citizens, residents and qualified electors of Forrest County, Mississippi.

4. Plaintiffs bring this action on behalf of themselves and all other persons similarly situated as qualified electors of Forrest County and as potential candidates for Board of Supervisors of Forrest County, pursuant to Rule 23 of the Federal Rules of Civil Procedure. As to the classes: (1) they are so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the classes; (3) the claims of the plaintiffs are typical of the claims of the classes; (4) plaintiffs will fairly and adequately protect the interests of the classes; and (5) defendants have acted and will act on grounds generally applicable to the classes, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the classes as a whole.

5. Defendant Joe T. Patterson is Attorney General of the State of Mississippi.

6. (a) Defendants, Sigler, Woods, Bowling, Carter and Lee are members of the Board of Supervisors of Forrest County and, as such, constitute the primary governing body of Forrest County, being responsible for county roads and bridges, some taxation, health services, welfare, resource development, and for spending the county's money, pursuant to § 2870 *et seq.* of the Mississippi Code.

(b) Defendants Segrest, Pon Simmons are the County Election Commissioners for Forrest County and, as such, supervise and administer all general elections in Forrest County pursuant to Sections 3204 *et seq.* of the Mississippi Code.

FIRST CLAIM FOR RELIEF

7. Each county in Mississippi, including Forrest County, is compose of five (5) districts, and each county is governed in certain respects by a Board of Supervisors composed of five (5) members. Prior to and on November 1, 1964, and up until the date referred to in paragraph eight (8) hereof, each of the members of the Board of Supervisors in each of the counties in Mississippi, includingForrest County, were elected only by the qualified electors of one particular district, pursuant to Section 2870 of the Mississippi Code.

8. Effective May 27, 1966, the Legislature of Mississippi, with the approval of Governor Paul B. Johnson, amended the aforesaid Section 2870 to provide that members of the county boards of supervisors could, at

each county's option, be elected at large, i.e., all the qualified electors of the county would be eligible to vote for each member of the board of supervisors, rather than by the means in force and effect on November 1, 1964, as described in paragraph seven (7) hereof. Specifically, such amendment was as follows:*

§ 2870. Districts and boundaries.

Each county shall be divided into five (5) districts, with due regard to equality of population and convenience of situation for the election of members of the boards of supervisors,but the districts as now existing shall continue until change. The qualified electors of each district shall elect, at the next general election, and every four (4) years thereafter, in their district, one member of the board of supervisors; and the board, by unanimous vote of all members elected or when so ordered by a vote of the majority of the qualified electors of the districts affected voting in an election as hereinafter provided, may at any time, except as hereinafter provided, change or alter the district, the boundaries to be entered at large in the minutes of the proceedings of the board.

The board, upon the petition of twenty-five per cent (25%) of the qualified electors of the county, asking that the districts of the county be changed or altered, and setting out in such petition the changes, or alterations desired, shall call a special election for a date which shall be not less than

*Material crossed out was deleted, and material underlined was added.

thirty (30), nor more than sixty (60) days from the date of the presentation of the petition to the assembled board. A majority of the qualified electors of the county shall determine the issue of such election.

Provided, however, that in any county in the state having a supervisors district containing more than fifty per cent (50%) of the population of the county according to the last federal census and/or more than fifty per cent (50%) of the assessed valuation of the county, the issue of the election heretofore provided for shall be determined by a majority of those participating in said election.

The board of supervisors of any county may adopt an order providing that all the qualified electors of the county shall be eligible to vote for each member of the board of supervisors but each candidate shall be a resident of the district which he proposes to represent; said order to be adopted and published in a newspaper having general circulation in the county at least twelve (12) months prior to the next election wherein said supervisors are elected.

If twenty per cent (20%) of the qualified electors of the county shall present the board of supervisors with a petition objecting to such alternate method within sixty (60) days after the adoption and final publication of any such alternative method, then the board of supervisors shall call an election after

publishing notice thereof in a newspaper published in the county once a week for at least three (3) weeks prior to such election and the question on the ballot shall be whether the entire electorate of the county shall be required to vote for the members of the board of supervisors at large, or whether the qualified electors in the said districts shall vote for the candidate in that district. If the majority of those voting vote that all the qualified electors shall be eligible to vote for candidates in each district then thereafter all elections for members of boards of supervisors shall be so held. If not, members of the boards of supervisors shall continue to be elected by the electorate of their respective districts and the board of supervisors shall not be permitted to adopt this alternative method of electing members of the boards of supervisors again until two (2) years have transpired.

This act shall not be construed to effect any supervisor now holding office until the expiration of his present term of office."

9. On November 29, 1966, defendants Sigler, Woods, Bowling, Carter and Lee, acting in their official capacities as members of the Board of Supervisors of Forrest County, adopted an order, pursuantto the authority granted to them by Section 2870 of the Mississippi Code, as amended, providing that members of the Board of Supervisors in Forrest County be elected at large in all future elections.

10. The Voting Rights Act of 1965 (42 U.S.C.§ 1973) is applicable to the State of Mississippi. That Act provides in Section 5 that whenever a State, or political subdivision thereof:

> "shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964"

the State or subdivision cannot enforce such new qualification prerequisite, standard, practice or procedure unless and until it either:

(a) institutes an action in the United States District Court for the District of Columbia, and said court enters a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color; or

(b) submits such qualification, prerequisite, standard, practice, or procedure to the Attorney General of the United States and the Attorney General does not interpose an objection within 60 days after such submission.

11. The amendment to Section 2870 as described in paragraph eight (8) hereof is such a change in qualification, prerequisite, standard, practice, or procedure as is referred to in Section 5 of the Voting Rights Act of 1965.

12. Neither the State of Mississippi, nor any of its officials, nor Forrest County, Mississippi, nor any of its officials has:

(a) instituted any action in the United States District Court for the District of Columbia for a declaratory judgment that Section 2870 of the Mississippi Code, as amended, or the action of the Forrest County Board of Supervisors in applying such section as amended, does not have the purpose of and will not have the effect of, denying or abridging the right to vote on account of race or color, nor

(b) submitted said amended section of the Code or said action of the Forrest County Board of Supervisors to the Attorney General of the United States for his approval. Inasmuch as the enactment of the amendment to Section 2870 of the Mississippi Code by the State of Mississippi and the action taken by the Forrest County Board of Supervisors pursuant to that amendment are both in violation ofthe requirements of Section 5 of the Voting Rights Act of 1965, said enactment and action are void and of no legal force or effect. Plaintiffs have no adequate remedy at law and unless the relief requested herein is granted, plaintiffs will suffer irreparable harm in that their rights and the rights of the classes they represent to vote and run for public office will be denied and abridged in violation of Title 42 U.S.C. § 1973.

SECOND CLAIM FOR RELIEF

13. Plaintiffs reaver each and every averment contained in paragraphs 7 through 9 hereof.

14. The amendments to Section 2870 of the Mississippi Code, as described in paragraph 8 hereof and the action taken pursuant thereto by the Board of Supervisors of Forrest County, as aforesaid, has the purpose and effect of:

(a) denying or abridging, on account of race or color, the votes of the individual plaintiffs and the classes they represent;

(b) preventing the election of Negro candidates to county boards of supervisors by allowing the members of the county boards of supervisors to be elected at large in counties, such as ForrestCounty, in which there is a county-wide white voting majority, but in which there is a Negro majority in one or more individual supervisor's district; and

(c) deterring potential Negro candidates from running for the office of County Supervisor in counties, such as Adams County, which have a county-wide white voting majority, but in which there is a Negro voting majority in one or more individual supervisor's district, and which counties have opted for an at-large election under Section 2870, as amended, thereby denying or abridging, on account of race or color, the right of such persons to participate in Government as elected

office-holders.

15. For the reasons stated in paragraph 14 above, Section 2870 of the Mississippi Code, as amended, and the action taken pursuant thereto by the Board of Supervisors of Forrest County, as aforesaid, violate the Fourteenth and Fifteenth Amendments to the Constitution of the United States and 42 U.S.C. § § 1971 and 1973.

WHEREFORE, plaintiffs pray that:

1. Pursuant to the provisions of 28 U.S.C. § 2281 and 2283 and 42 U.S.C. § 1973c, a district court of three judges be convened.

2. This Court declare that Section 2870 of the Mississippi Code, as amended, and also as applied in Forrest County, is in violation of the Voting Rights Act of 1965 (Title 42 U.S.C. § 1973), the Fourteenth and Fifteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1971, and therefore void.

3. This Court issue preliminary and permanent injunctions enjoining defendants, their agents, employees, successors and all persons in active concert and participation with them from enforcing, implementing or otherwise giving effect to Section 2870 of the Mississippi Code, as amended, in any way whatsoever, including, but not limited to the holding of the election at large of members of the Board of Supervisors of Forrest County.

4. This Court enjoin the election of members of the Board of Supervisors of Forrest County unless and until

candidates for that office may be and are elected by districts pursuant to Section 2870 prior to its amendment as aforesaid, or until Section 5 of the Voting Rights Act of 1965 is complied with by defendants.

5. This Court order the defendants, their agents, employees, successors and all persons in active concert and participation with them to hold election for the Forrest County Board of Supervisors on November 7, 1967, by districts and not at large.

6. This Court retain jurisdiction of this cause.

7. This Court grant plaintiffs such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of this action.

Dated: July 12, 1967.

Respectfully submitted,

s/ L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

J. C. FAIRLEY, ALVIN WILLIAMS, JAMES FLUKER, REV. WALTER L. RUSSELL, JAMES BONNE, and STEPHEN LEE GRADY, on behalf of themselves and other persons similarly situated,

PLAINTIFFS

VS.

CIVIL ACTION
No. 2205

JOE T. PATTERSON, Attorney General of the State of Mississippi; W. V. SIGLER ALBERT S. WOODS, JR., SELBY C. BOWLING, J. A. P. CARTER, JR., and HERBERT H. LEE, as members of the Board of Supervisors of Forrest County; MRS. D. O. SEGREST, MRS. MARY E. PON, and G. C. SIMMONS, as County Election Commissioners for Forrest County,

DEFENDANTS

JOINT ANSWER OF DEFENDANTS, SIGLER, WOODS, BOWLING, CARTER, AND LEE, IN THE RESPECTIVE CAPACITY OF EACH AS A MEMBER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI FORREST COUNTY, MISSISSIPPI

COME NOW the Defendants, W. U. SIGLER (erroneously identified in the case style of this Civil Action as "W.V. Sigler"), ALBERT S. WOODS, JR., SELBY C. BOWLING, J.A.P. CARTER, JR. andHERBERT H. LEE, in their respective representative capacities as the duly elected, fully qualified and presently acting members of the Board of Supervisors of Forrest County, Mississippi, by and through their attorney of record hereinto duly and fullyauthorized and empowered, and for joint answer to the Complaint exhibited against them in the above Civil Action respectfully say:

FIRST DEFENSE

FOR THIS, their First Defense, without waiving any other defense herein elsewhere asserted, these Defendants jointly say:

1. These Defendants say that the Complaint does notstate, and wholly fails to state, a claim or cause of action against these Defendants, or either of them, upon which relief can be granted or which is sufficient in law therefor, and that, for said reason, said Complaint should be dismissed and the relief therein sought should be denied.

SECOND DEFENSE

AND FOR THIS, their Second Defense, without waiving any other defense herein elsewhere asserted, further answering, these Defendants jointly say:

1. Answering the allegations contained in Paragraph numbered 1 of the Complaint, these Defendants deny that either the Voting Rights Act of 1965 (Title 42, U.S.C., Sec. 1973) or the Fourteenth or Fifteenth Amendments to the Constitution of the United States give rise to any cause or causes of action as sought to be propounded by the Plaintiffs or to any relief as claimed by them. While admitting that this Civil Action seeks the relief as delineated in said Paragraph numbered 1 of the Complaint, these Defendants deny that the Plaintiffs are entitled to any of such relief so sought or any relief whatsoever in the premises.

2. These Defendants deny the allegations contained in Paragraphs numbered 2, 3 and 4 of the Complaint.

3. These Defendants admit Paragraph numbered 5 of the Complaint.

4. Answering the allegations contained in Paragraph numbered 6 of the Complaint and sub-Paragraphs (a) and (b) thereof, these Defendants admit that they are the duly elected, fully qualified and presently acting members of the Board of Supervisors of Forrest County, Mississippi, and say that as such public officials their duties and

responsibilities are prescribed and fixed by applicable statutes of the State of Mississippi and that in all respects said statutes speak for themselves, and these Defendants deny that the Defendant, Pon, is a County Election Commissioner of Forrest County, Mississippi as alleged in said Paragraph 6(b).

5. Answering the allegations contained in Paragraph numbered 7 of the Complaint, these Defendants admit the same as applied to Forrest County, Mississippi, except that these Defendants say that, for the reasons set forth in next succeeding Paragraph 6 of this Answer, the phrase "... and up until a date referred to in paragraph eight (8) hereof, ..." is incomplete and, hence, inaccurate.

6. These Defendants admit the allegations contained in Paragraph numbered 8 of the Complaint, except that these Defendants say that the Order of November 29, 1966 therein referred to constitutes only a part of the proceedings of said Defendants, acting in their official capacities as members of the Board of Supervisors of Forrest County, Mississippi, with respect to the matters averred; and said Defendants attach hereto duly certified copies of said proceedings in their entirety, the same being made parts hereof for all purposes as if set forth as length herein, and identified as follows, to-wit:

(a) Order of the Board of Supervisors of Forrest County, Mississippi Providing that all Qualified Electors of Forrest County, Mississippi shall henceforth be Eligible to Vote for Each Member of the Board of Supervisors of Forrest County,

Mississippi, with Each Candidate being a Resident of the Supervisors District which he Proposes to Represent ; dated September 13, 1966, EXHIBIT "A" hereto.

(b) Order Spreading upon Minutes Proof of Publication of Former Order Providing that all Qualified Electors of Forrest County, Mississippi shall be Eligible to Vote for Each Member of the Board of Supervisors of Forrest County, Mississippi, with Each Candidate being a Resident of the Supervisors District which he Proposes to Represent - dated October 3, 1966, EXHIBIT "B" hereto.

(c) Order Finally Adjudicating that All Qualified Electors of Forrest County, Mississippi shall be Eligible to Vote for Each Member of the Board of Supervisors of Forrest County, Mississippi, with Each Candidate being a Resident of the Supervisors District which he Proposes to Represent - dated November 29,1966, EXHIBIT "C" hereto.

7. Answering the allegations contained in Paragraph numbered 10 of the Complaint, while admitting that the Voting Rights Act of 1965 (Title 42 U.S.C., Sec. 1973) is applicable to the State of Mississippi, these Defendants deny the applicability of said Act to this Civil Action and the relief herein sought, and these Defendants say that said Act speaks for itself as to each and all of the terms and

provisions thereof as therein contained and set forth, and, for purposes of this Answer, these Defendants deny the allegations of said Paragraph numbered 10 paraphrasing provisions of said Act and the conclusions of the pleader with respect thereto.

8. These Defendants deny the allegations contained in Paragraph numbered 11 of the Complaint.

9. Answering the allegations contained in Paragraph numbered 12 of the Complaint and sub-Paragraphs (a) and (b) thereof, while admitting that Forrest County, Mississippi or its officials have neither (a) instituted any action in the United States District Court for the District of Columbia nor (b) made any submittal to the Attorney General of the United States, these Defendants say that there was and is no legal requirement or necessity so to do in the premises, and these Defendants deny, each and all, the remaining allegations of said Paragraph numbered 12 and said sub-Paragraphs (a) and (b) thereof.

10. Answering the allegations of Paragraph numbered 13 of the Complaint, these Defendants reaver each and every admission and denial herein contained responsive to Paragraphs numbered 7 through 9 of said Complaint.

11. These Defendants deny, each and all, the allegations contained in Paragraph numbered 14 of the Complaint and sub-Paragraphs (a), (b) and (c) thereof.

12. These Defendants deny the allegations contained in Paragraph numbered 15 of the Complaint.

WHEREFORE, these Defendants respectfully say that the Plaintiffs are not entitled to any of the relief claimed and sought by said Complaint, and, particularly, that delineated in Paragraphs numbered 1 through 7, both inclusive, of the Prayer of the Complaint; and further, these Defendants say that said Complaint should be, as to them, each and all, finally dismissed, and that they, each and all, should be discharged with their reasonable costs.

W. U. SIGLER, ALBERT S. WOODS, JR., SELBY C. BOWLING, J. A. P. CARTER, JR. and HERBERT H. LEE, as Members of the Board of Supervisors of Forrest County, Mississippi, Defendants

By: S/ R. A. Gray, Jr.
R.A. Gray, Jr., Attorney of Record for said Defendants

R.A. GRAY, JR.
Gray and Montague
Attorneys at Law
201-05 Carter Building
Post Office Box 1288
Hattiesburg, Mississippi

CERTIFICATE

I, R. A. GRAY, JR., of the firm of Gray and Montague, practicing attorneys of Forrest County, Mississippi, Attorney of Record for the Defendants, Mrs. D. O. Segrest and G. C. Simmons, as County Election Commissioners of and for Forrest County, Mississippi and members of the Board of Election Commissioners thereof, and for the Defendants, W. U. Sigler, Albert S. Woods, Jr., Selby C. Bowling, J. A. P. Carter, Jr. and Herbert H. Lee, as members of the Board of Supervisors of Forrest County, Mississippi, do hereby certify that I have this day filed the original copy of the above and foregoing Answer in the office of the Clerk of the United States District Court, Southern District of Mississippi, Hattiesburg Division, at Hattiesburg, Mississippi; and further, that I have this day transmitted by United States mail, postage fully prepaid, true, literal and exact duplicate copies of said Answer to, respectively, (1) L. Lackey Rowe, Jr., Denison Ray and Martha M. Wood, 233 North Farish Street, Jackson, Mississippi 39201, Attorneys for the Plaintiffs, and (2) Honorable Joe T. Patterson, Attorney General of the State of Mississippi, New Capitol Building, Jackson, Mississippi 39201, co-Defendant.

WITNESS MY SIGNATURE on this, the 17th day of August, A.D., 1967.

S/ R. A. Gray, Jr.
R. A. GRAY, JR.

EXHIBIT A

ORDER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI PROVIDING THAT ALL QUALIFIED ELECTORS OF FORREST COUNTY, MISSISSIPPI SHALL HENCEFORTH BE ELIGIBLE TO VOTE FOR EACH MEMBER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI. WITH EACH CANDIDATE BEING A RESIDENT OF THE SUPERVISORS DISTRICT WHICH HE PROPOSES TO REPRESENT

There came on for consideration and determination by the Board of Supervisors of Forrest County, Mississippi the matter of providing that all of the qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors, but with each candidate being a resident of the Supervisors District which he proposes to represent; and, upon full inquiry into said matter and mature consideration thereof, and being fully advised in the premises, the Board finds, sustains and adjudicates as follows: The Board finds that under and pursuant to the provisions and authority of Section 2870, Mississippi Code of 1942, as amended by House Bill No. 223, General Laws of Mississippi of 1966, approved May 27, 1966, the board of Supervisors of any County in the State of Mississippi may adopt an Order providing that all qualified electors of the County shall be eligible to vote for each member of the Board of Supervisors of such County, but that each candidate shall be a resident of the Supervisors District which he proposes to represent; that said Order, so adopted, shall be published in a newspaper having general circulation in such County at least twelve

months prior to the next general election wherein said Supervisors are elected; that if twenty per cent (20%) of the qualified electors of such County shall present the Board of Supervisors thereof with a petition objecting to such alternate method within sixty (60) days after the adoption and final publication of any such alternative method, an election on the question shall be called by the Board of Supervisors as provided and required by said House Bill No. 223, General Laws of Mississippi of 1966, said question being determined by a majority of those voting in such election; and that if the result of such election is that members of the Board of Supervisors shall continue to be elected by the electorate of their respective Districts, the Board of Supervisors shall not be permitted to adopt said alternative method until two (2) years have transpired. The Board further finds that it is in the best interest of Forrest County, Mississippi and the qualified electors and citizenry thereof that this Order be adopted providing that all qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate shall be a resident of the Supervisors District of Forrest County, Mississippi which he proposes to represent; and that appropriate provision be made for publication of the same as provided and required by said House Bill No. 223, General Laws of Mississippi of 1966.

IT IS, THEREFORE, ACCORDINGLY ORDERED by the Board of Supervisors of Forrest County, Mississippi that all qualified electors of Forrest County, Mississippi shall henceforth be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but

that each candidate for such office shall be a resident of the Supervisors District of Forrest County, Mississippi which he proposes to represent.

IT IS FURTHER ORDERED that the full and complete text of this Order be published in the Hattiesburg American, a daily newspaper published at Hattiesburg in Forrest County, Mississippi and having general circulation in Forrest County, Mississippi and being qualified to publish legal notices pursuant to and under the terms and provisions of Section 1858, Mississippi Code of 1942, as amended, three (3) times on consecutive Thursdays, being September 15, 22 and 29, 1966, and that said date of September 29, 1966 be, and the same is hereby fixed as the date of final publication of this Order; and that sixty (60) days after such date of September 29, 1966, this Order shall become final and be in full force and effect, unless, within said sixty (60) day interim period, twenty per cent (20%) of the qualified electors of Forrest County, Mississippi shall present the Board of Supervisors of Forrest County, Mississippi with a petition of objection requiring an election, all as contemplated by and provided in said House Bill No. 223, General Laws of Mississippi of 1966.

IT IS FURTHER ORDERED that the President and Clerk of this Board be, and they are hereby authorized, empowered and directed to execute and attest this Order in witness and evidence of the adoption and validity thereof, and further, to effect publication of this Order in strict compliance with the provisions relating thereto as

hereinabove set forth, all of their acts in so doing being hereby ratified, confirmed and approved.

SO ORDERED on this, the 13th day of September, A. D., 1966.

S/ Selby C. Bowling
President, Board of Supervisors
of Forrest County, Mississippi

ATTEST:

S/ Clyde W. Easterling
Clerk, Board of Supervisors of
Forrest County, Mississippi

(S E A L)

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, Clyde W. Easterling, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a true and correct copy of Order of Board of Supervisors as the same appears on record in my office in Book 63 Page 498-500. Given under my hand and official seal on this the 7 day of Aug., 1967.,

EXHIBIT B

ORDER SPREADING UPON MINUTES PROOF OF PUBLICATION OF FORMER ORDER PROVIDING THAT ALL QUALIFIED ELECTORS OF FORREST COUNTY, MISSISSIPPI SHALL BE ELIGIBLE TO VOTE FOR EACH MEMBER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI, WITH EACH CANDIDATE BEING A RESIDENT OF THE SUPERVISORS DISTRICT WHICH HE PROPOSES TO REPRESENT

There came on for further consideration by the Board of Supervisors of Forrest County, Mississippi the matter of providing that all of the qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but with each candidate being a resident of the Supervisors District which he proposes to represent, all as provided and authorized by Section 2870, Mississippi Code of 1942, as amended by House Bill No. 223, General Laws of Mississippi of 1966, approved May 27, 1966; and upon full inquiry into said matter and mature consideration thereof, and being fuly advised in the premises, the Board finds, sustains and adjudicates as follows: The Board finds that heretofore, by Order dated September 13, 1966 and of record in Supervisors Minute Book 63 at Pages 498-500, it was adjudicated and ordered that all qualified electors of Forrest County, Mississippi should henceforth be elig ble to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate for such office should be a resident of the Supervisors District of Forrest County, Mississippi which he proposed to represent: The Board further finds that, by said Order, it was, among other th ings, directed that the full and complete text of the same be published in the Hattiesburg American, a daily newspaper published at Hattiesburg in

Forrest County, Mississippi and having general circulation in Forrest County, Mississippi and being qualified to publish legal notices pursuant to and under the terms and provisions of Section 1858, Mississippi Code of 1942, as amended, three (3) times on consecutive Thursdays, being September 15, 22 and 29, 1966, and that said date of September 29, 1966 was fixed as the date of final publication of said Order. The Board further finds that such publication of the full and complete text of said Order was duly and legally made in all respects and in every particular in full conformity with the directions thereof and all requirements of law, and that proof of such publication has been filed with the Clerk of this Board as required by law; and that the same should properly be spread upon the Minutes of this Board.

IT IS, THEREFORE, ACCORDINGLY ORDERED that said Proof of Publication be, and the same is hereby ordered spread upon and made a part of the Minutes of this Board for this date, as follows:

STATE OF MISSISSIPPI
COUNTY OF FORREST
I,Clyde W. Easterling, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a true and correct copy. of Order of Board of Supervisors as the same appears on record in my office in Book 64 Page 38-39 Given under my hand and official seal on this the 7 day of August, 1967.

CLYDE W. EASTERLING,
Chancery Clerk
S/ Clyde W. Easterling

HATTIESBURG AMERICAN

PROOF OF PUBLICATION

OCT 1 1966

PASTE PROOF HERE

ORDER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI PROVIDING THAT ALL QUALIFIED ELECTORS OF FORREST COUNTY, MISSISSIPPI SHALL HENCEFORTH BE ELIGIBLE TO VOTE FOR EACH MEMBER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI, WITH EACH CANDIDATE BEING A RESIDENT OF THE SUPERVISORS DISTRICT WHICH HE PROPOSES TO REPRESENT

There came on for consideration and determination by the Board of Supervisors of Forrest County, Mississippi the matter of providing that all of the qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors, but with each candidate being a resident of the Supervisors District which he proposes to represent; and, upon full inquiry into said matter and mature consideration thereof, and being fully advised in the premises, the Board finds, sustains and adjudicates as follows: The Board finds that under and pursuant to the provisions and authority of Section 2870, Mississippi Code of 1942, as amended by House Bill No. 223, General Laws of Mississippi of 1966, Approved May 27, 1966 the Board of Supervisors of any County in the State of Mississippi may adopt an Order providing that all qualified electors of the County shall be eligible to vote for each member of the Board of Supervisors of such County, but that each candidate shall be a resident of the Supervisors District which he proposes to represent; that said Order, so adopted, shall be published in a newspaper having general circulation in such County at least twelve months prior to the next general election wherein said Supervisors are elected; that if twenty per cent (20%) of the qualified electors of such County shall present the Board of Supervisors thereof with a petition objecting to such alternate method within sixty (60) days after the adoption and final publication of any such alternative method, an election on the question shall be called by the Board of Supervisors as provided and required by said House Bill No. 223, General Laws of Mississippi of 1966, said question being determined by a majority of those voting in such election, and that if the result of such election is that members of the Board of Supervisors shall continue to be elected by the electorate of their respective Districts, the Board of Supervisors shall not be permitted to adopt said alternative method until two (2) years have transpired. The Board further finds that it is in the best interest of Forrest County, Mississippi and the qualified electors and citizens thereof that this Order be adopted providing that all qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate shall be a resident of the Supervisors District of Forrest County, Mississippi which he proposes to represent, and that appropriate provision be made for publication of the same as provided and required by said House Bill No. 223, General Laws of Mississippi of 1966.

IT IS, THEREFORE, ACCORDINGLY ORDERED by the Board of Supervisors of Forrest County, Mississippi that all qualified electors of Forrest County, Mississippi shall henceforth be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate for such office shall be a resident of the Supervisors District of Forrest County, Mississippi which he proposes to represent.

IT IS FURTHER ORDERED that the full and complete text of this Order be published in the Hattiesburg American, a daily newspaper published at Hattiesburg in Forrest County, Mississippi and having general circulation in Forrest County, Mississippi and being qualified to publish legal notices pursuant to and under the terms and provisions of Section 1459, Mississippi Code of 1942, as amended, three (3) times on consecutive Thursdays, being September 15, 22 and 29, 1966, and that said date of September 29 1966 be, and the same is hereby fixed as the date of final publication of this Order; and that sixty (60) days after such date of September 29, 1966 this Order shall become final and be in full force and effect, unless within said sixty (60) day interim period, twenty per cent (20%) of the qualified electors of Forrest County, Mississippi shall present the Board of Supervisors of Forrest County, Mississippi with a petition of objection requiring an election all as contemplated by and provided in said House Bill No. 223, General Laws of Mississippi of 1966.

IT IS FURTHER ORDERED that the President and Clerk of this Board be, and they are hereby authorized, empowered and directed to execute and attest this Order in witness and evidence of the adoption and validity thereof, and further, to effect publication of this Order in strict compliance with the provisions relating thereto as hereinabove set forth, all of their acts in so doing being hereby ratified, confirmed and approved.

SO ORDERED on this, the 13th day of September, A.D., 1966.

/s/ SELBY C. BOWLING
President, Board of Supervisors of Forrest County, Mississippi

(SEAL)

ATTEST:
/s/ CLYDE W. EASTERLING
Clerk, Board of Supervisors of Forrest County, Mississippi

Sept. 15, 22, 29, 1966-3 Thcr. C.

1500-5-66

THE STATE OF MISSISSIPPI,
FORREST COUNTY
CHANCERY CLERK

Personally appeared before me, [illegible]

a Notary Public of the City of Hattiesburg, Forrest County, Mississippi, L. H. ST. JOHN, Publisher of the HATTIESBURG AMERICAN, a daily newspaper published in the City of Hattiesburg, Forrest County, Mississippi who, being duly sworn, states that the notice, a true copy of which is hereto annexed, appeared in the issues of said newspaper as follows:

Date Sept 15, 1966

Date Sept 22, 1966

Date Sept 29, 1966

Date _____, 1966

Date _____, 1966

Number Words 681

Published 3 Times

Printer's Fee $ 55.05

Making Proof $ 1.00

Total $ 56.05

(Signed) [illegible]
Publisher

Sworn to and subscribed before me this

[illegible] day of [illegible], 1966

[illegible]
Notary Public

MY COMMISSION EXPIRES
DECEMBER 28, 1969

IT IS FURTHER ORDERED that this matter be, and the same is hereby continued for further appropriate final action thereon by the Board of Supervisors following the elapse of sixty (60) days after September 29, 1966, the date of final publication of said Order of September 19, 1966, as aforesaid.

SO ORDERED on this the 3rd day of October, A.D., 1966.

EXHIBIT C

ORDER FINALLY ADJUDICATING THAT ALL QUALIFIED ELECTORS OF FORREST COUNTY, MISSISSIPPI SHALL BE ELIGIBLE TO VOTE FOR EACH MEMBER OF THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI, WITH EACH CANDIDATE BEING A PRESIDENT OF THE SUPERVISORS DISTRICT WHICH HE PROPOSES TO REPRESENT

There came on for further consideration and final determination by the board of Supervisors of Forrest County, Mississippi the matter of finally adjudicating and providing that all of the qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but with each candidate being a resident of the Supervisors District which he proposes to represent, all as provided and authorized by Section 2870, Mississippi Code of 1942, as amended by House Bill No. 223, General Laws of Mississippi of 1966, approved May 27, 1966, and appearing in Advance Sheet No. 9 at Pages 51-52; and, upon full inquiry into said matter and mature consideration thereof, and being fully advised in the premises, the Board finds, sustains and adjudicates as follows: The Board finds, that heretofore, by Order dated September 13, 1966, and of record in Supervisors Minute Book 63 at Pages 498-500, it was adjudicated and ordered that all qualified electors of Forrest County, Mississippi should henceforth be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate for such office should be a resident of the Supervisors District of Forrest County, Mississippi which he proposed to represent. The Board

further finds that the full and complete text of said Order was pursuant to and under the terms and provisions of said Section 2870, as so amended, Mississippi Code of 1942, and Section 1858, as amended, Mississippi Code of 1942, published in the Hattiesburg American, a daily newspaper published at Hattiesburg in Forrest County, Mississippi and having general circulation in Forrest County, Mississippi and being qualified to publish legal notices, three (3) times on consecutive Thursdays, being September 15, 22 and 29, 1966, said dates, in further pursuance of and under the terms and provisions of said Section 2870, as so amended, Mississippi Code of 1942, being at least twelve months prior to the next general election wherein said Supervisors are elected. The Board further finds that such publication of said Order was duly and legally made in all respects and in every particular in full conformity with the directions thereof and all requirements of law, and that, by Order dated October 3, 1966 and appearing of record in Supervisors Minute Book 64, at Pages 37-39, appropriate Proof of Publication of said Order was spread upon and made a part of the Minutes of said Board, and that said Order of October 3, 1966 additionally continued said matter for further appropriate final action following the elapse of sixty (60) days from and after said date of September 29, 1966, as aforesaid, the date of final publication of said Order of September 13, 1966. The board now further affirmatively finds, sustains and adjudicates that sixty (60) days and more have elapsed from, after and since September 29, 1966, being, as aforesaid, the date of final publication of said Order of September 13, 1966, and that, within said time, the petition by twenty per cent (20%) of the qualified electors

of Forrest County, Mississippi, or any of said qualified electors of said County, has been presented to said Board objecting to such alternate method of election of the members of the Board of Supervisors of Forrest County, Mississippi as permitted, authorized and required by said Section 2870, as so amended, Mississippi Code of 1942, so as to require the calling of an election upon the question of adoption of such alternative method as therein provided; and that this Order should now be entered finally adjudicating that such alternative method is now, and hanceforth shall be, in effect, and that all qualified electors of Forrest County, Mississippi shall be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but with each candidate being a resident of the Supervisors District which he proposes to represent.

IT IS, THEREFORE, ACCORDINGLY FINALLY ADJUDICATED AND ORDERED BY THE BOARD OF SUPERVISORS OF FORREST COUNTY, MISSISSIPPI that all qualified electors of Forrest County, Mississippi shall henceforth be eligible to vote for each member of the Board of Supervisors of Forrest County, Mississippi, but that each candidate for such office shall be a resident of the Supervisors District of Forrest County, Mississippi which he proposes to represent; provided, however, that such alternative method of election of members of the Board of Supervisors of Forrest County, Mississippi shall not in any manner affect any Supervisors of Forrest County, Mississippi now holding office until the expiration and end of his present term of office.

SO ORDERED on this, the 29th day of November, A.D., 1966.

STATE OF MISSISSIPPI
COUNTY OF FORREST

I, Clyde W. Easterling, Chancery Clerk of Forrest County, do hereby certify that the foregoing is a ture and correct copy of Order - Board of Supervisors as the same appears on record in my office in Book 64 Page 238-240. Given under my hand and official seal on this the 7 day of August, 1967.

CLYDE W. EASTERLING, Chancery Clerk
S/ Clyde W. Easterling

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

J. C. FAIRLEY, ET AL,

PLAINTIFFS

V. CIVIL ACTION
NO. 2205

JOE T. PATTERSON, ATTORNEY
GENERAL OF THE STATE OF
MISSISSIPPI, ET AL,

DEFENDANTS

SEPARATE ANSWER OF
DEFENDANT JOE T. PATTERSON

COMES NOW the Defendant, Joe T. Patterson, Attorney General of the State of Mississippi in his capacity as Attorney General of the State of Mississippi, and for his Answer to the Complaint exhibited against him in the above styled civil action adopts each and every defense, allegation, admission and denial contained in the Joint Answer of Defendants, Sigler, Woods, Bowling, Carter, and Lee, in the Respective Capacity of Each As a Member of the Board of Supervisors of Forrest County, Mississippi,

filed in this cause and makes same a part of his Answer as if specifically copies herein.

JOE T. PATTERSON, ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI

WILLIAM A. ALLAIN, ASSISTANT ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI

BY: S/ William A. Allain
WILLIAM A. ALLAIN

CERTIFICATE OF SERVICE

I, WILLIAM A. ALLAIN, Assistant Attorney General of the State of Mississippi, do hereby certify that I have this day mailed by United States Mail, postage prepaid, one true and correct copy of the foregoing Separate Answer of Defendan Joe T. Patterson to Honorable L. Lackey Rowe, Jr., Honorable Denison Ray and Honorable Martha M. Wood, 233 North Farish Street, Jackson, Mississippi, 39201.

THIS the 21st day of August, 1967.

S/ William A. Allain

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

VERNON TOM GRIFFIN, et al.
Plaintiffs,

vs. CIVIL ACTION No. 4148J

JOE T. PATTERSON, et al.
Defendants.

SETH BALLARD, et al.
Plaintiffs,

vs. CIVIL ACTION No. 1200 W

JOE T. PATTERSON, et al.,
Defendants.

J.C. FAIRLEY, et al.
Plaintiff,

vs. CIVIL ACTION No. 2205 H

JOE T. PATTERSON, et al.
Defendants.

LEVI MARSAW, III, et al.
Plaintiffs,

vs. CIVIL ACTION No. 1201 W

JOE T. PATTERSON, et al.
Defendants.

CHARLES E. BUNTON, et al.
Plaintiffs,

vs. CIVIL ACTION
No.1204 W

JOE T. PATTERSON, et al.
Defendants.

(Filed: Sept. 15, 1967)

MOTION FOR SUBSTITUTION OF PARTIES AND DROPPING AND ADDING PARTIES, FOR DISMISSAL OF CERTAIN CLAIMS FOR RELIEF, AND FOR DEFAULT JUDGMENT

Plaintiffs in each of the above styled actions, by their attorneys, respectfully move this Court:

1. In Civil Action No. 4148 J:

(a) To substitute Ed William Moses as a party defendant in lieu of defendant Mrs. Mabel D. Henrich, on the ground that Mrs. Mabel D. Henrich is no longer a Holmes County Election Commissioner and Ed William Moses has been appointed as Election Commissioner in her place.

(b) To dismiss plaintiffs' second for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

(c) For a default judgment against Joe T.

Patterson, Attorney General of the State of Mississippi, on the ground that he has neither appeared nor answered within the time set for doing so by Rule 12(a) of the Federal Rules of Civil Procedure.

2. In Civil Action No. 1200 W:

(a) To substitute Robert Lee Williams as a party defendant in lieu of defendant Iler K. Ellis, on the ground that Iler K. Ellis is no longer a member of the Jefferson County Board of Education and Robert Lee Williams has assumed his place.

(b) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

3. In Civil Action No. 2205 H:

(a) To substitute Mrs. Fred Blackwell as a party defendant in lieu of defendant Mrs. Mary E. Pon, on the ground that Mrs. Mary E. Pon is no longer a Forrest County Election Commissioner and Mrs. Fred Blackwell has assumed her place.

(b) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do not wish to pursue said claim for relief.

4. In Civil Action No. 1201 W:

(a) To substitute Alma D. Maddox as a party defendant in lieu of defendant Paul Keller, on the ground that Paul Keller is deceased and his place as an Adams County Election Commissioner has been assumed by Alma D. Maddox.

(b) To drop the plaintiff Majorie Baroni and add in her place as a named plaintiff, Mami L. Mazique, on the ground that Majorie Baroni is a member of the Caucasian race and Mamie L. Mazique is a member of the Negro race and desires to join in this suit.

(c) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof and further on the ground that plaintiffs do no wish to pursue said claim for relief.

5. In Civil Action No. 1204 W:

(a) To substitute Ethan Porter as a party defendant in lieu of defendant William Smith, on the ground that William Smith is no longer a member of the Board of Education of Claiborne County, and Ethan Porter has assumed his place.

(b) To substitute Orin R. Segrest, Jr. as a party defendant in lieu of defendant Robert Vaughn, on the ground that Robert Vaughn is no longer an Election Commissioner for Claiborne County and Orin R. Segrest, Jr., has assumed his place.

(c) To dismiss plaintiffs' second claim for relief on the ground that this Court has no jurisdiction thereof

and further on the ground that plaintiffs do not wish to pursue said claim for relief.

Dated: September 14, 1967

Respectfully submitted,

S/ L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Plaintiffs.

To:

Joe T. Patterson, Esq.
Will S. Wells, Esq.
William A. Allain, Esq.
Office of the Attorney General
New Capitol Building
Jackson, Mississippi

Corban & Corban
Robert L. Corban, Esq.
Fayette, Mississippi

B. C. Callon, Esq.
P. O. Box 1315
Natchez, Mississippi

Calvin R. King, Esq.
P. O. Drawer 392
Durant, Mississippi

R. A. Gray, Jr., Esq.
Gray & Montague
201-05 Carter Building
P. O. Box 1288
Hattiesburg, Mississippi

J. T. Drake, Esq.
P. O. Box 366
Port Gibson, Mississippi

NOTICE OF MOTION

PLEASE TAKE NOTICE that the foregoing Motion for Substitution of Parties and Dropping and Adding Parties, for Dismissal of Certain Claims for Relief, and for Default Judgment is noticed for hearing on September 25, 1967, at 9:00 A.M., or as soon thereafter as counsel can be heard, before the Honorable Dan M. Russell, Jr., United States District Judge, in the United States Courthouse in Jackson, Mississippi.

Dated: September 14, 1967.

Respectfully submitted,

S/L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Substitution of Parties and Dropping and Adding Parties, for Dismissal of Certain Claims for Relief, and For Default Judgment and a copy of the foregoing Notice of Motion have been mailed this date, postage prepaid, to Joe T. Patterson, Esq., Will S. Wells, Esq., William A. Allain, Esq., Office of the Attorney General, New Capitol Building, Jackson Mississippi; Corban & Corban, Robert L. Corban, Esq., Fayette, Mississippi; B. C. Callon, Esq., P. O. Box 1315, Natchez, Mississippi; Calvin R. King, Esq., P. O. Drawer 392, Durant, Mississippi; R. A. Gray, Jr., Esq., Gray & Montague, 201-05 Carter Building, P. O. Box 1288, Hattiesburg, Mississippi and J. T. Drake, Esq., P. O. Box 366, Port Gibson, Mississippi.

Dated: September 14, 1967

S/L. Lackey Rowe, Jr.
L. LACKEY ROWE, JR.
DENISON RAY
MARTHA M. WOOD
233 North Farish Street
Jackson, Mississippi 39201

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

J. C. FAIRLEY, ALVIN WILLIAMS, JAMES FLUKER, REV. WALTER L. RUSSELL, JAMES BONNE, and STEPHEN LEE GRADY, on behalf of themselves and other persons similarly situated,

PLAINTIFFS

VS.

CIVIL ACTION
No. 2205

JOE T. PATTERSON, Attorney General of the State of Mississippi; W. V. SIGLER, ALBERT S. WOODS, JR., SELBY C. BOWLING, J. A. P. CARTER, JR., and HERBERT H. LEE, as members of the Board of Supervisors of Forrest County; MRS. D. O. SEGREST, MRS. FRED BLACKWELL, and G. C. SIMMONS, as County Election Commissioners for Forrest County,

DEFENDANTS

JOINT SEPARATE ANSWER OF DEFENDANTS, SEGREST, BLACKWELL AND SIMMONS, IN THE RESPECTIVE CAPACITY OF EACH AS A COUNTY ELECTION COMMISSIONER OF FORREST COUNTY, MISSISSIPPI AND A MEMBER OF THE BOARD OF COMMISSIONERS THEREOF

COME NOW the Defendants, MRS. D. O. SEGREST, MRS. BLACKWELL and G. C. SIMMONS, in their respective representative and official capacities as County Election Commissioners of and for Forrest County, Mississippi and members of the Board of Election Commissioners thereof, by and through their attorney of record hereunto duly and fully authorized and empowered, and for their Joint Separate Answer to the Complaint exhibited against them in the above Civil Action adopt each and every defense, allegation, admission and denial contained in the Joint Answer of Defendants, Sigler, Woods, Bowling, Carter and Lee, in the Respective Capacity of Each as a Member of the Board of Supervisors of Forrest County, Mississippi, filed in this Cause and make the same a part of this, their Joint Separate Answer, as if specifically copied and set forth at complete length herein.

MRS. D. O. SEGREST, MRS. FRED BLACKWELL, and G. C. SIMMONS, County Election Commissioners of and for Forrest County, Mississippi and members of the Board of Commissioners thereof

By: S/ R. A. Gray, Jr.
R. A. GRAY, JR., Attorney of
Record for said Defendants

R.A. GRAY, JR.
Gray and Montague
Attorneys at Law
201-05 Carter Building
Post Office Box 1288
Hattiesburg, Mississippi

CERTIFICATE

I, R. A. GRAY, JR., of the firm of Gray and Montague, practicing attorneys of Forrest County, Mississippi, attorney of record for the Defendants, Mrs. D. O. Segrest, Mrs. Fred Blackwell, and G. C. Simmons, as County Election Commissioners of and for Forrest County, Mississippi and members of the Board of Election Commissioners thereof, do hereby certify that I have this day filed the original copy of the above and foregoing Answer in the office of the Clerk of the United States District Court, Southern District of Mississippi, Hattiesburg Division, at Hattiesburg, Mississippi; and further, that I have this day transmitted by United States mail, postage fully prepaid, true, literal and exact duplicate copies of said Answer to, respectively, (1) L. Lackey Rowe, Jr., Denison Ray, and Martha M. Wood, 233 North Farish Street, Jackson, Mississippi, Attorneys for the Plaintiffs, and (2) Honorable Joe T. Patterson, Attorney General of the State of Mississippi, New Capitol Building Jackson, Mississippi 39201, co-Defendant. No certificate of service is made with respect to the defendant members of the Board of Supervisors of Forrest County, Mississippi as I am also attorney of record for them.

WITNESS MY SIGNATURE on this, the 27th day of September, A.D., 1967.

R. A. Gray, Jr.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

VERNON TOM GRIFFIN, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 4148J

JOE T. PATTERSON, et al.
Defendants.

SETH BALLARD, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 1200 W

JOE T. PATTERSON, et al.,
Defendants.

J.C. FAIRLEY, et al.
Plaintiff,

vs.

CIVIL ACTION
No. 2205 H

JOE T. PATTERSON, et al.
Defendants.

LEVI MARSAW, III, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 1201 W

JOE T. PATTERSON, et al.
Defendants.

CHARLES E. BUNTON, et al.
Plaintiffs,

vs.

CIVIL ACTION
No. 1204 W

JOE T. PATTERSON, et al.
Defendants.

(Filed: Sep. 28, 1967)

ORDER

It appearing that the Order entered on September 25, 1967, in Civil Action Number 2205H and 1201W should be clarified to make plain the intention of the Court,

IT IS ORDERED, that the same be and they are hereby amended to read as follows:

In Civil Action No. 2205H, Mrs. Fred Blackwell is, hereby, added as a party-defendant; The Complaint is dismissed as to the defendant Mrs. Mary E. Pon; That Plaintiffs' second claim for relief be, and the same is, hereby dismissed without prejudice.

In Civil Action No. 1201W, Alma D. Maddox is, hereby, added as a party-defendant; The Complaint is dismissed as to the Defendant Paul Keller; Plaintiff Marjorie Baroni is, hereby, dropped as a party-plaintiff and Mamie L. Mazique is added as a party-plaintiff; Plaintiffs' second claim is, hereby, dismissed without prejudice.

ORDERED, this the 28th day of September, 1967.

s/ Dan M. Russell, Jr.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

J. C. FAIRLEY, ET AL

PLAINTIFFS

VS. CIVIL ACTION
No. 2205 H

JOE T. PATTERSON, ET AL

DEFENDANTS

(Filed: Oct. 10, 1967)

ORDER

This cause came on for hearing on the Complaint, the Answer and argument of counsel, it being stipulated in open court that this hearing would be considered as a final hearing on the merits, and all parties having announced that no factual issues are involved and no testimony or evidence was to be offered, the sole question for determination being whether or not Section 2870 of the Mississippi Code of 1942, as amended by the legislature at the regular session of 1966, comes within the purview of or is covered by Section 5 of the Voting Rights Act of 1965, being now Section 1973(c) of Title 42, U.S.C.

It is the opinion of the Court that said Section 2870, as amended by the legislature of Mississippi at its regular session of 1966, does not come within the purview of and

is not covered by Title 42, Section 1973(c) U.S.C., and that plaintiffs are entitled to no relief in this action.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the injunction prayed for in this action be, and the same is, hereby, denied and the Complaint is dismissed at the cost of plaintiffs.

ORDERED AND ADJUDGED, this the 5th day of October, 1967.

s/ Dan M. Russell, Jr.
UNITED STATES DISTRICT JUDGE
Acting For and on Behalf of The Court